

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference BCT040059/JMG		FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/FR2004/001476	International filing date (day/month/year) 11.06.2004	Priority date (day/month/year) 19.06.2003	
International Patent Classification (IPC) or national classification and IPC			
Applicant SIDEL			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of _____ sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I	Basis of the report
1.	<p>With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:</p> <p><input type="checkbox"/> international search (Rule 12.3 and 23.1(b))</p> <p><input type="checkbox"/> publication of the international application (Rule 12.4)</p> <p><input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3)</p> <p>2. With regard to the elements of the international application, this report is based on <i>(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)</i>:</p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description:</p> <p>pages <u>1-20</u> _____ as originally filed/furnished</p> <p>pages* _____ received by this Authority on _____</p> <p>pages* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims:</p> <p>nos. <u>1-19</u> _____ as originally filed/furnished</p> <p>nos.* _____ as amended (together with any statement) under Article 19</p> <p>nos.* _____ received by this Authority on _____</p> <p>nos.* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the drawings:</p> <p>sheets <u>1/6-6/6</u> _____ as originally filed/furnished</p> <p>sheets* _____ received by this Authority on _____</p> <p>sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.</p> <p>3. <input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p> <p>4. <input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p>

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-19

YES

Claims

NO

Inventive step (IS)

Claims 1-19

YES

Claims

NO

Industrial applicability (IA)

Claims 1-19

YES

Claims

NO

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following document in the present notification:

D1: US-A-3 825 396

2. Document D1, which is considered to be the prior art closest to the subject matter of claim 1, describes (the reference signs between parentheses apply to this document) a moulding device for making containers by blow-moulding or stretch-blow-moulding parisons made of a heated thermoplastic material, which device comprises at least one mould (10, 12) including at least two mould halves (10, 12) mutually movable between an open position in which they are spaced apart and a closed position in which they are in close mutual engagement via respective bearing surfaces (see figures 3 and 8) defining a gasket plane (26), wherein locking means (28) are provided for locking the two mould halves (10, 12) in the closed position, said locking means (28) include a first hook-shaped locking element (34) provided on at least one side of the mould and rigidly

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connected to the first mould half (12) along the bearing surface (see figure 3) thereof, a second hook-shaped locking element (36) that is upside-down relative to the first hook-shaped locking element and pivotably mounted on a rotationally symmetrical surface of the second mould half (10), and actuating means (44, 56) operably connected to said second locking element in such a way that they move it transversely between a locking position in which it is in engagement with the first locking element and the two mould halves (10, 12) are locked in the locking position (see figure 9), and a release position in which it is disengaged from the first locking element and the two mould halves (10, 12) are released and can be spaced apart.

The device according to D1 differs from the one forming the subject matter of claim 1 in that:

- the first and second hook-shaped locking elements respectively extend over the entire height of the first and second mould halves,
- the second mould half has a radially projecting flange extending along the edge of the bearing surface and over most or all of the height thereof, wherein the flange surface that faces away from the bearing surface is arcuate and capable of forming a rotationally symmetrical surface, and
- said second locking element is part of one end of a movable part provided with a transversely projecting flange that defines an arcuate bearing facing the second hook-shaped locking element and

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citations and explanations supporting such statement

continuously engageable with said rotationally symmetrical surface of the second locking element over the entire height thereof, whereby

- when the mould is closed and locked and exposed to the blow-moulding pressure, the force to which the second mould half is subjected is substantially continuously transmitted by said movable part over a major part of the height thereof via said rotationally symmetrical surface.

It follows that the subject matter of claim 1 is novel (PCT Article 33(2)).

The technical effect of these features is that the upper and lower portions of the mould are sufficiently supported to avert separation of the two mould halves (see page 4, lines 22-25 and page 14, lines 7-11 of the description).

The problem that the present invention is intended to solve can thus be considered to be that of ensuring the mould is closed over the entire height thereof.

The features that differentiate claim 1 from document D1 are not found in the available documents or obvious *per se*.

It follows that the subject matter of the claim appears to be inventive (PCT Article 33(3)).

3. Claims 2 to 19 are dependent on claim 1 and thus also comply, as such, with the requirements of

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novelty and inventive step of the PCT.

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. The following minor points regarding the form of the application should be noted:
 - 1.1 Uniform reference signs: see figure 4, reference sign 17 (PCT Rule 32.2(i)).
 - 1.2 The features in claims 6, 7 and 10 to 19 and in part of the preamble of claim 1 are not followed by reference signs placed between parentheses (PCT Rule 6.2(b)).